

CHAPTER NO. 295

HOUSE BILL NO. 291

By Representatives Hackworth, Winningham, Ferguson, Litz, Yokley, Hensley, DuBois, Marrero, Baird, Hargett, Gresham, Strader, Harry Brooks, Russell Johnson, McKee, Roach, Clem, Hill, Casada, Harmon, Cobb, Favors, Brown and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 258

By Senators McNally, Herron, McLeary, Finney, Burchett, Person, Burks, Kilby, Kurita, Crowe

AN ACT to amend Tennessee Code Annotated, Section 39-17-432, relative to enhanced criminal penalties for certain violations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-432, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) It is the intent of this section to create Drug-Free Zones for the purpose of providing vulnerable persons in this state an environment in which they can learn, play and enjoy themselves without the distractions and dangers that are incident to the occurrence of illegal drug activities. The enhanced and mandatory minimum sentences required by this section for drug offenses occurring in a Drug-Free Zone are necessary to serve as a deterrent to such unacceptable conduct.

SECTION 2. Tennessee Code Annotated, Section 39-17-432, is further amended in subsection (b) by deleting the language "or secondary school" and by substituting instead the language ", secondary school, preschool, child care agency, or public library, recreational center or park".

SECTION 3. Tennessee Code Annotated, Section 39-17-432, is further amended by designating the existing language of subsection (b) as subdivision (b)(1), and by adding a new subdivision thereto, as follows:

(2) In addition to any other penalty imposed by this section, a person convicted of violating this subsection shall also be subject to the following:

(A) Upon conviction of a Class E felony, a fine of not more than ten thousand dollars (\$10,000);

(B) Upon conviction of a Class D felony, a fine of not more than twenty thousand dollars (\$20,000);

(C) Upon conviction of a Class C felony, a fine of not more than forty thousand dollars (\$40,000);

(D) Upon conviction of a Class B felony, a fine of not more than sixty thousand dollars (\$60,000); and

(E) Upon conviction of a Class A felony, a fine of not more than one hundred thousand dollars (\$100,000).

SECTION 4. Tennessee Code Annotated, Section 39-17-432, is further amended by adding a new subdivision to subsection (b), as amended, as follows:

(3) A person convicted of violating this subsection who is within the prohibited zone of a preschool, childcare center, public library, recreational center or park shall not be subject to additional incarceration as a result of this subsection but shall be subject to the additional fines imposed by this section.

SECTION 5. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 19, 2005



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2005



PHIL BREDESEN, GOVERNOR